

REMARKS

Claims 1-44 remain in this application. Claims 16-44 stand withdrawn. Applicant respectfully requests re-examination. This Request for Continued Examination is being filed after Notice of Appeal of June 15, 2006 but before the filing of an Appeal Brief. Applicant respectfully request that the appeal be withdrawn.

Applicant appreciates the Office Action indication that the Information Disclosure Statement filed on September 26, 2005 is being considered by the Examiner.

Applicant appreciates the Office Action withdrawing objections to the drawings.

Applicant appreciates the Office Action's remarks in response to the applicant's arguments.

Applicant has withdrawn its appeal and is submitting this amendment in a good faith effort to place the application in condition for allowance.

The present invention is directed to a method and apparatus for displaying physical paint color samples in a physical two-dimensional display unit with individual physical paint color sample cards that can be removed and taken home by the consumer. The arrangement and display of the physical paint color sample cards according to the present invention allows the consumer to find a desired color or colors with relative ease, and also suggests other colors to the consumer that would go well with the color selected.

Claims 1-3, 5 and 6 were rejected under 35 U.S.C. §102(b) as anticipated by *Microsoft PhotoDraw 2000* (Microsoft Corp. © 1995-1999, version 2.0.0.1229, Screenshots 1-17) (PhotoDraw). Applicant respectfully traverses.

Claim 1 recites, "placing the selected plurality of paint colors on a first plurality of physical paint color sample cards, with one color on each physical sample card; and arranging

the first plurality of paint sample cards on the display unit according to hue and chroma so that the paint color on the paint sample cards gradually vary in hue in a first direction and gradually vary in chroma in a second direction.”

PhotoDraw is a software program that runs on a PC. Although the screen could be considered a two-dimensional display unit, no physical paint color sample cards are used or contemplated. Secondly, PhotoDraw is a program that allows the manipulation of color swatches within a “custom palette.” The program will only do this if directed by an operator. The operator chooses the particular way in which these color swatches are to be displayed, including arranging the swatches to gradually vary in hue in a vertical direction and gradually vary in chroma in a horizontal direction. PhotoDraw does not teach or suggest that this is the only way to display these color swatches.

The Office Action specifically recognizes this limitation of PhotoDraw when it states, “Further, PhotoDraw allows arranging the swatches within the custom palette so that the swatches gradually vary in hue in a vertical direction while gradually varying in saturation, also known as chroma, in a horizontal direction. . .”

PhotoDraw does not perform the function of the present invention, which is to provide a consumer, who is attempting to select paint colors, for his dwelling, a quick and easy way to find the colors he wants, i.e., at a glance, and also suggest other colors that would go well with the colors selected.

Applicant respectfully suggests that the fact that PhotoDraw has a plurality of different color swatches that can be manipulated by the user in any arrangement desired, does not teach the specific arrangement of physical paint color sample cards that applicant is claiming as his invention.

Applicant respectfully requests that this rejection be withdrawn.

Claim 4 was rejected under 35 U.S.C. §103(a) as unpatentable over PhotoDraw. Applicant respectfully traverses.

The Office Action concludes without any support from the references of record. “At the time the invention was made, it would have been obvious to one of ordinary skill in the art to modify the current configuration of the swatches and the custom color palette of PhotoDraw in order to comply with the chromatic color limitations of applicant’s invention.”

The Office Action states that applicant has not disclosed that specifically orienting the colors by chroma value in a vertical orientation provides an advantage, is used for a particular purpose, or solves the stated problem. Applicant respectfully submits that the specific arrangement of colors in applicant’s display of paint color sample cards accomplishes two purposes as stated in the specification. It allows a customer to very quickly, i.e., at a glance, find the desired color or colors of paints for purchase, and it also suggests colors that would go well with the colors selected. The specific arrangement that applicant is claiming is not a design choice as suggested in the Office Action. It solves the problem mentioned in the application.

Applicant respectfully requests that this rejection be withdrawn.

Claim 7 was rejected under 35 U.S.C. §103(a) as unpatentable over PhotoDraw in view of “Painting on Location Lesson–RCW, The Original Real Color Wheel,” Jusko, Donald, A. Last Updated on 09/14/2003 (Jusko). Applicant respectfully traverses.

The Office Action relies on *Jusko*, which discloses a color wheel for arranging for color slices adjacent to one another. Claim 7 requires “arranging one or more color combination physical paint sample cards adjacent to the first plurality of paint sample cards so that each color

combination paint sample card includes the color of one of the first plurality of paint sample cards it is adjacent to, and one or more complementary colors.”

For the reasons stated above, applicant respectfully submits that applicant’s claimed arrangement of physical paint sample cards in color combination form, as well as single color form, provides a unique color display for the consumer to quickly choose a desired color and also choose other colors that would go well with the color selected.

The Office Action combination of PhotoDraw and *Jusko* is not directed to this end, nor does it provide that result. Applicant respectfully submits that the combination is drawn from hindsight knowledge gained from applicant’s invention, rather than a teaching of the art.

Applicant respectfully requests that this rejection be withdrawn.

Claims 8-10 and 12-15 were rejected under 35 U.S.C. §103 as unpatentable over PhotoDraw in view of *Wright et al.* (US Publication 2004/0046802). Applicant respectfully traverses.

The combination of PhotoDraw and *Wright et al.* does not show, teach or contemplate a two-dimensional paint sample card display unit adapted for displaying physical color sample cards in a plurality of columns and rows. It does not contemplate a first plurality of physical paint sample cards, with each paint sample card carrying one or more paint colors of similar hue arranged in a first column of the display from most chromatic to least chromatic. It does not contemplate a second plurality of paint sample cards arranged within the first column of first plurality of paint sample cards, each of the second plurality of paint sample cards including a white paint color having one or more white colors of similar tint as the color of the paint sample card in the first plurality of sample cards that it is adjacent to.

Claim 12 specifically requires “a physical display unit having a two-dimensional array structure to display physical paint color sample cards” and “a first plurality of physical paint color sample cards including hue colors closely related to, or the same as, each other hue in the first hue region, the color sample cards in each of the hue regions arranged according to either ascending or descending hue value in a first dimension, and either ascending or descending chromatic value in a second dimension of the display unit.”

Applicant respectfully suggests that the Office Action’s conclusions of obviousness are based in hindsight knowledge gained from applicant’s invention, and not from the teachings of the art. Applicant respectfully requests that this rejection be withdrawn.

Claim 11 was rejected under 35 U.S.C. §103(a) as unpatentable over PhotoDraw, *Wright et al.* and further in view of and *Jusko*. Applicant respectfully traverses.

Claim 11 recites, “one or more color coordination sample cards are arranged adjacent to the first plurality of paint sample cards, each color coordination sample card including one of the colors in an adjacent first plurality of paint sample cards and one or more complementary colors.” Applicant respectfully submits that the prior art does not contemplate these color coordination sample cards that include one of the colors in an adjacent first plurality of paint sample cards and one or more complementary colors.

Applicant respectfully requests that this rejection be withdrawn.

In light of the above amendment and remarks, applicant respectfully submits that the claims remaining in the application are in condition for allowance and requests early notification of same.

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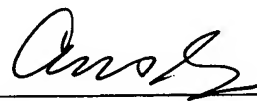
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Signature

Dated: August 11, 2006

Very truly yours,

SNELL & WILMER L.L.P.



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